IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7375 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DEEPAK JAIN - Petitioner(s)
Versus
UNION OF INDIA & 1 - Respondent(s)

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Appearance :
MR BHARGAV N BHATT for Petitioner(s) : 1,
MS AMEE YAJNIK for Respon

dent(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 2,
(MR SR BRAHMBHATT) for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 29/03/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an

appropriate writ, direction and/or order directing the respondent Government to accord one step higher pay scale of Rs.5400-9300 to the petitioner.

2. Shri Rajesh Deval, learned advocate appearing for Shri Bhargav Bhatt, learned advocate appearing on behalf of the petitioner has submitted that the petitioner has already made appropriate representation to the Secretary, Ministry of Surface Transport, Govt. of India vide letter dated 25-4-1996 (Annexure B to the petition) and another representation dated 12-3-1997 for granting one step higher pay scale of Rs.5400-9300 and the same has not been decided till date. Therefore, it is submitted that if an appropriate direction is issued directing the respondents, more particularly, respondent No.1 to take an appropriate decision on the aforesaid representations within stipulated time, then the petitioner will be satisfied.

3. In view of the fact that the representations submitted by the petitioner dated 25-4-1996 and 12-3-1997 are reported to be not decided and disposed of by the concerned respondent, the respondent No.1 is directed to take appropriate decision on the aforesaid representations preferably within a period of four months from the date of receipt of this order and communicate the outcome of the same to the petitioner. It will also

be open for the petitioner to submit afresh representation along with the present order and the earlier representations and the respondents to consider the same in accordance with law and on merits within stipulated time as stated above. It is however made clear that this Court has not expressed any opinion on merits and it is ultimately for the concerned respondent to take an appropriate decision in accordance with law and on merits.

4. With this, the present Special Civil Application is disposed of. No costs.

(M.R. SHAH, J.)

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